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TAGS: [PREL](#) [AORC](#) [KPAO](#) [PTER](#) [UNSC](#) [KNNP](#)

SUBJECT: 1540: COMMITTEE AT LOGGERHEADS OVER REPORT

REF: A. STATE 30483

[¶B.](#) USUN 314

[¶C.](#) STATE 8246

Classified By: Legal Minister-Counselor Carolyn L. Willson, for reasons 1.4(b) and (d).

[¶11.](#) (SBU) BEGIN SUMMARY: The 1540 Committee met again on April 4 to seek to complete negotiations on its draft report to the Security Council, which resolution 1673 requires the Committee to submit by no later than April 27. Despite multiple Committee meetings, extensive changes requested by Russia and China (primarily) have meant that 30 paragraphs remain bracketed, and the Chairman has tasked Committee members to work in small groups to find language that can gain consensus. A revised draft will be circulated later this week, and the Committee will meet again on April 14. Costa Rican PR and Committee Chairman Urbina told USUN on April 8 that if the Committee does not reach consensus on the report on April 14, he would raise the issue with the Security Council President on April 15 with an eye toward bringing the issue to the Council. END SUMMARY.

[¶12.](#) (C) USUN has repeatedly objected to Chinese and Russian changes to the report, consistent with the guidance in ref A. France and the UK have expressed similar objections. USUN also has been working with the UK, France, South Africa, China, and Russia to draft compromise proposals consistent with ref A, but China has sought to water down most of the P-3 compromise proposals, and Russia has not had instructions. For example, China has continued to insist on deleting all references to the Financial Action Task Force (FATF) and the Missile Technology Control Regime (MTCR), while Russia continues to insist on changes to the sections of the report concerning transit and trans-shipment, licensing, national control lists, biological weapons and their means of delivery, chemical weapons, brokering, and voluntary funding for technical assistance projects. Russia also insists that the language from para 6 of resolution 1673, which tasks the 1540 Committee to submit a report by April 27, 2008, on "compliance with 1540 (2004) through the achievement of the implementation of its requirements" cannot appear in the report. Russia wants to delete references to "compliance" and insert either a citation to para 6 of resolution 1673 or a reference to implementation of the resolution. COMMENT: In an apparent inconsistency, Russia's own draft resolution to renew the 1540 Committee's mandate requests the Committee to submit another report to the Security Council "on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements" at the end of its next mandate. END COMMENT.

[¶13.](#) (C) COMMENT: USUN will continue to seek to find compromise language that can find consensus, but some flexibility may be required to overcome Chinese and Russian objections. USUN understands that the Treasury Department's

attach in Beijing has demarched Chinese counterparts to request that China drop its objections to the FATF references in the report, but it is not clear whether China's instructions will change. If they do not, USUN's ref A instructions will make it impossible for the Committee to approve its report and submit it to the Council, as resolution 1673 requests. As for Russia's concerns about the Committee's report, they appear to be tied to its concern that the language will enable the Committee, in its future mandate, to report non-compliant states to the Security Council for the imposition of punitive sanctions (ref B). Although USUN has reassured the Russian Mission, Russia's concerns appear deeply held. END COMMENT.

Khalilzad